

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WILLIAM JEFFREY SIMMONS,  
Plaintiff,

ELECTRONICALLY  
FILED  
03/31/2020  
U.S. DISTRICT COURT  
Northern District of WV

v.

Case No.: 1:20-CV-60 (Kleeh)  
Braxton County Civil Action No.: 20-C-05

RALPH B. FRIEND, JR. and  
KTL TRUCKING, INC.,  
Defendants.

**NOTICE OF REMOVAL**

Defendants Ralph B. Friend, Jr. and KTL Trucking, Inc., by and through their counsel, Sharon Z. Hall, Esquire, and ZIMMER KUNZ, PLLC, hereby file this Notice of Removal of the above-captioned action from the Circuit Court of Braxton County, West Virginia, where it is currently pending, to the United States District Court for the Southern District of West Virginia, Civil Division, as provided by Title 28 U.S. Code Chapter 89, stating as follows:

1. This civil action was commenced by Plaintiff William Jeffrey Simmons filing a complaint on February 10, 2020, in the Circuit Court of Braxton County, West Virginia, docketed at Civil Action No. 20-C-05. Process was served upon Defendant KTL Trucking, Inc. on March 20, 2020 and upon Ralph B. Friend on March 20, 2020.
2. Accordingly, removal is timely per 28 U.S.C. Section 1446(b), within thirty days of receipt of the summons by both Defendants.
3. This is a civil action in which Plaintiff claims he suffered physical and mental damages as a result of a motor vehicle accident.
4. Plaintiff Simmons is a citizen of West Virginia.
5. Defendant Ralph B. Friend, Jr. is a citizen of the Commonwealth of Pennsylvania with an address of 41 Kyle Avenue, Fairchance, Pennsylvania.

6. KTL Trucking, Inc. is a Pennsylvania corporation with a principal place of business at 66 S. Morgantown Street, Fairchance, Pennsylvania.

7. There is diversity of citizenship between the parties. 28 U.S.C. § 1332.

8. While the Complaint does not specify the amount of damages Plaintiff seeks, said claims are expected to exceed \$75,000, meeting the threshold required. 28 U.S.C. § 1332(a) for the following reasons:

a. Plaintiff's Complaint sets forth injuries to his body for which he has and/or will continue to experience and/or incur:

- Medical expenses;
- Lost wages
- Pain and suffering
- Physical limitations
- Diminished capacity to enjoy life; annoyance and inconvenience;  
and
- Other consequences and damages associated with his injuries as  
may be specified as this action progresses

(Exhibit A)

b. Plaintiff Simmons made a demand of \$300,000 pre-suit. (Exhibit B).

c. Plaintiff's Complaint states a claim for punitive damages (Exhibit A)

9. Thus, the United States District Court for the Northern District of West Virginia has jurisdiction by reason of the diversity of citizenship of the parties, and venue is proper in this judicial district. 28 U.S.C. § 1332(a)(1); 28 U.S.C. § 1391.

10. Removal from federal court is permissible pursuant to 28 U.S.C. § 141(a).

11. Defendants will give written notice of the filing of this notice as required by 28 U.S.C. § 1446(d).

13. A copy of this notice is being filed with the Clerk of the Circuit Court of Braxton County, WV, as required by 28 U.S.C. § 1446(d).

Respectfully submitted,

Ralph B. Friend, JR. and KTL Trucking,  
Inc.,

By counsel:

/s/ Sharon Z. Hall

Sharon Z. Hall, Esq. (WVSB #9286)

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Removal was electronically filed with the Clerk of the Court on this 31<sup>st</sup> day of March, using the CM/ECF system and mailed to the following individual by depositing the same in the U.S. Mail, postage prepaid.

Jennifer D. Roush, Esq.  
P.O. Box 3842  
Charleston, WV 25338  
*Counsel for Plaintiff*

/s/ Sharon Z. Hall  
Sharon Z. Hall, Esq. (WVSB #9286)  
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